



GRIEVANCES

Directive 5 - 110

Date of Issue: July 2013 Amends/Cancel: Chapter V Sec 7

I. PURPOSE

The purpose of this Directive is to establish written policy governing grievances.

II. POLICY

All grievances shall be resolved in accordance with the provisions of the State Personnel and Pensions Article, Annotated Code of Maryland, and COMAR Regulations of the Department of Budget and Management.

III. DEFINITIONS

A. Grievance means a dispute between an employee and the employee's employer about the interpretation of and application to the employee of:

1. A Personnel Policy or Regulation adopted by the Secretary; or
2. Any other policy or regulation over which management has control.

B. Grievance does not include a dispute about:

1. A pay grade or range for a class.
2. The amount or effective date of a statewide pay increase.
3. The establishment of a class.
4. The assignment of a class to a service category.
5. The establishment of classification standards.
6. An oral reprimand or counseling.

IV. PROCEDURES

A. All parties involved in the grievance are obligated to attempt to resolve the grievance at the lowest possible step.

B. A grievant may choose any person to assist or represent the grievant at any time during the grievance and shall notify the employer of that choice.

C. Prior to initiating a grievance procedure, and employee shall present the matter orally to the employee's supervisor for informal discussion.

D. Step One – Initiation of Grievance Proceeding

1. Within 20 calendar days after the alleged cause that is the basis of the grievance, or within 20 calendar days after the employee became reasonably aware of the alleged cause that is the basis of the grievance, the employee may present the grievance, in writing, to their Detachment Commander with a copy to the employee's supervisor.
2. The Detachment Commander, within 10 calendar days of the receipt of the grievance, shall hold a conference with the grievant and they shall attempt to resolve the grievance.
3. The Detachment Commander shall issue a written decision within 10 calendar days after the conference.

E. Step Two – Appeal to Administrative Head

1. Within 15 calendar days of the receipt of the written decision, the grievant or the grievant's representative may appeal, in writing, to the head of the principal unit, the Secretary of the Department of General Services.
2. The Secretary of General Services, or designee, shall within 10 calendar days of the receipt of the grievance, review the grievance and hold a conference with the grievant and they shall attempt to resolve the grievance.
3. The Secretary of General Services, or designee, shall issue a written decision within 10 calendar days after conference.

F. Step Three – Appeal to Secretary

1. Within 10 calendar days of the receipt of the written decision, the grievant or the grievant's representative may appeal, in writing, to The Secretary of the Department of Budget and Management.
2. Within 30 days of receipt of the employee's appeal, the Secretary of the Department of Budget and Management, or designee, may confer with the parties and attempt to resolve the grievance. If settlement is not reached, the Department of Budget and Management, or designee will forward the appeal to the Office of Administrative Hearings for a hearing and/or disposition.
3. The Office of Administrative Hearings shall issue a written decision within 45 calendar days after close of the hearing record.
4. This is the final administrative decision.

G. Time Limits

1. If a grievant fails to appeal within the time limits to the next step in the grievance procedure, the grievant is considered to have accepted the decision.
2. Failure to decide a grievance at any step in the grievance procedure is considered a denial from which an appeal may be made.
3. Parties may agree to waive time limits.
4. If the individual responsible to prepare a decision to a grievance is on approved leave for 3 or more days, the decision shall be extended by the number of days of approved leave up to a maximum of 14 days. The grievant shall be notified of the extension of time.